

Message Text

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PAGE 01 PARIS 13765 272112Z
ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 DODE-00 NSAE-00 ICA-11
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FM AMEMBASSY PARIS
TO SECSTATE WASHDC 0779
INFO AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY THE HAGUE

C O N F I D E N T I A L PARIS 13765

USOECD

EXCON

E.O. 11652: XGDS1
TAGS: ESTC, COCOM
SUBJECT: US LICENSE REQUIREMENTS FOR RE EXPORTS

1. SUMMARY: NETHERLANDS AND GERMAN COMPLAIN ABOUT NECESSITY TO OBTAIN U.S. AUTHORIZATION TO EXPORT CONSUMER GOODS CONTAINING U.S. COMPONENTS SUCH AS MICROPROCESSORS. ACTION REQUESTED: INSTRUCTIONS ARE NEEDED TO RESPOND TO COMPLAINTS.

2. NETHERLANDS PROPOSED IN COCOM THAT NOTE BE ADDED TO LIST I EXPLICITLY STATING THAT CONSUMER GOODS WERE FREE FROM EMBARGO (DOC. PROC (78) 2.3). LANGUAGE FOR PROPOSAL WAS PATTERNED AFTER NOTE 2 AT BEGINNING OF 1500 SERIES, WHICH FREES CERTAIN BROADCAST AND TV EQUIPMENT BUT WOULD BE AT BEGINNING OF LIST BECAUSE CONCERN WAS BROADER THAN 1500 SERIES, E.G., INCLUDING IL 1631 COBALT MAGNETS FOR CARS AND/OR DOOR FASTENERS AND IL 1205 BATTERIES FOR HEARING AIDS.

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3. EARLIER IN MEETING, NETHERLANDS AND OTHERS ASSERTED THAT NO UNEMBARGOED EQUIPMENT CONTAINING MICROPROCESSORS WAS CAUGHT BY AP-3 BECAUSE THE MICROPROCESSORS ARE INVARIABLY "DEDICATED", I.E., NOT FEASIBLY REMOVED NOR USED FOR OTHER PURPOSES. HOWEVER, NETHERLANDS COMPLAINED THAT US REQUIREMENT FOR US LICENSE FOR EXPORT

FROM NETHERLANDS OF CONSUMER EQUIPMENT CONTAINING U.S. MICROPROCESSORS INDICATED US VIEW THAT SUCH EQUIPMENT WAS EMBARGOED. GERMANY ALSO COMPLAINED OF ADMINISTRATIVE BURDEN FROM THIS US REQUIREMENT, WHICH EVEN EXTENDED TO EXPORTS TO FRANCE. UK SAID US REQUIREMENT ONLY APPLIED TO REEXPORT OF EMBARGOED COMPONENTS PER SE AND DID NOT EXTEND TO EXPORT OF UNEMBARGOED EQUIPMENT CONTAINING EMBARGOED COMPONENTS. UK CITED US RULING ON FLAME CUTTERS TO SUPPORT ITS STATEMENT.

4. CONFUSION WAS EVIDENT ALSO ON THE RELEVANCE OF "DISTRIBUTION LICENSES" TO THIS QUESTION.

5. COMMENT: USDEL NOTES THE POSSIBLE RELEVANCE OF COMMODITY INTERPRETATION 4(A) AND THE NOTE TO SECTION 376.12 OF THE EXPORT ADMINISTRATION REGULATIONS TO QUESTIONS POSED BY NETHERLANDS DEL. THESE PROVISIONS WOULD SEEM TO SUPPORT UK CONTENTION PARA 3 ABOVE. IN ANY EVENT, USDEL QUESTIONS WHETHER US SHOULD IMPOSE A US LICENSE REQUIREMENT FOR THE EXPORT FROM COCOM COUNTRIES OF EQUIPMENT NOT EMBARGOED BY COCOM OR CONTROLLED BY US. GERMANY NOTED DURING MEETING THAT SUCH A REQUIREMENT DISCOURAGES USE OF US SUPPLIERS FOR PRODUCTION FOR WESTERN AS WELL AS EASTERN MARKETS. NETHERLANDS MADE POINT THAT NO COCOM COUNTRY EVER SUBMITTED EXCEPTION CASE FOR EXPORT OF CONSUMER ITEMS NOR

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DID ANY COCOM COUNTRY EVER REPORT ANY SUCH EXPORTS IN S. DOCS.

6. ACTION REQUESTED: INFORMATION ON WHETHER THERE ARE ANY CIRCUMSTANCES UNDER WHICH THE US DOES REQUIRE US LICENSES FOR RE-EXPORT OF EMBARGOED COMPONENTS WHEN THEY ARE CONTAINED IN UNEMBARGOED EQUIPMENT FOR WHICH NO CONTROLS WOULD BE REQUIRED UNDER AP-3.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
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Current Classification: UNCLASSIFIED
Concepts: POLICIES, TRANSACTION CHECKS, STRATEGIC TRADE CONTROLS, EXPORT LICENSES
Control Number: n/a
Copy: SINGLE
Draft Date: 27 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
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Format: TEL
From: PARIS USOECD
Handling Restrictions: n/a
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Legacy Key: link1978/newtext/t19780410/aaaaahno.tel
Line Count: 103
Litigation Code IDs:
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Litigation History:
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Message ID: 963db2a5-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: CONFIDENTIAL
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Previous Handling Restrictions: n/a
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Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
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Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2813988
Secure: OPEN
Status: NATIVE
Subject: US LICENSE REQUIREMENTS FOR RE EXPORTS
TAGS: ESTC, US, COCOM
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/963db2a5-c288-dd11-92da-001cc4696bcc
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